

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

RICHARD GIBBS,	:	
	:	Civil Action No. 09-1046 (NLH)
Petitioner,	:	
	:	
v.	:	O R D E R
	:	
BERNARD GOODWIN, et al.,	:	
	:	
Respondents.	:	

Petitioner, a state prisoner confined at the Adult Diagnostic and Treatment Center ("ADTC") in Avenel, New Jersey, having submitted a petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254; and it appearing that:

1. Petitioner submitted his petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, on or about March 1, 2009, with an application to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. His application to proceed as an indigent included his prison account statement for the past six months, as well as an account certification from an authorized official at the ADTC where Petitioner is presently confined.

2. Upon this Court's inspection of petitioner's prison account statement submitted with his affidavit of indigency, and the authorized ADTC official certification of petitioner's account, pursuant to Local Civil Rule 81.2(b), it appears that petitioner has had a maximum balance of \$668.28 within the six months preceding the filing of this habeas petition, as well as a

balance of \$486.49 at the time he submitted his petition for filing.

3. Local Civil Rule 81.2(c) prohibits this Court from granting in forma pauperis status to any habeas petitioner whose prison account exceeds \$200 during the six-month period before the date of the certification of petitioner's prison account. See also Local Civil Rule 81.2(b).

It is therefore on this 1st day of May , 2009

ORDERED that petitioner's application to proceed in forma pauperis pursuant to 28 U.S.C. § 1915 is denied; and it is further

ORDERED that petitioner shall be given 30 days from the date of entry of this Order to remit the requisite \$5.00 filing fee for habeas petitions, pursuant to Local Civil Rule 54.3, and the Clerk shall not close the file during this 30-day time period; and it is further

ORDERED that if petitioner pays the \$5.00 filing fee during this 30-day period, then the Clerk shall file the petition as a paid petition; and it is finally

ORDERED that if petitioner does not pay the filing fee within the time specified above, then the Clerk shall deem the petition withdrawn and close the file without assessing fees.

/s/
NOEL L. HILLMAN
United States District Judge

At Camden, New Jersey